THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 17170 of 2006

Dated: 01.09.2006

Between:

M/s Ranbaxy Laboratories Limited, rep. by Assistant General Manager, Mr. Purushotham Nayar, S/o Nayar, 11th Floor, Devika Tower, No.6, Nehru Place, New Delhi.

.... PETITIONER

AND

The Chairman-cum-Presiding Officer, Industrial Tribunal-cum-Labour Court, Ananthapur and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No. 17170 of 2006

Order:

Questioning the interim order, dated 23.06.2006, passed by the Labour Court, Anantapur, in I.D. No. 237 of 2003, wherein the letter dated 06.11.2001, said to have been addressed by the Superintendent, BSNL, Kurnool, to the 2nd respondent herein, was permitted to be marked in the evidence of the 2nd respondent subject to proof and relevancy at the time of final arguments, the petitioner-Company filed the present writ petition.

The 2nd respondent is employed as Medical Representative in the petitioner-Company. He was issued a charge sheet alleging that his work is not satisfactory and that he used to send false reports to the Superior Officers about meeting of the Doctors for promotion of the medicines of the petitioner-Company, for which he submitted his explanation denying the said charges. Having not satisfied with his explanation, an enquiry was conducted, and the Enquiry Officer, who conducted the enquiry, submitted his report holding that the charges against the 2nd respondent are proved. Based on the said enquiry report, the petitioner-Company, by order dated 30.05.2003, terminated the services of the 2nd respondent. Against the said termination orders, the 2nd respondent preferred appeal before the appellate authority, and while the said appeal is pending, the 2nd respondent raised an industrial dispute in I.D. No. 237 of 2003, which is pending adjudication before the Labour Court, Anantapur. The grievance of the petitioner-Company is

that at the time of enquiry in the said I.D., when the Labour Court is proceeded to mark a letter dated 06.11.2001, said to have been addressed by the Superintendent, BSNL, Kurnool, to the 2nd respondent herein, they filed a memo taking objection for marking of the same, but, the Labour Court, without even calling for the 2nd respondent to file his counter, passed the impugned order permitting the 2nd respondent to mark the said letter in evidence subject to proof and relevancy at the time of final arguments. It is this order, which is the subject matter of the present writ petition.

Heard the learned counsel for the petitioner and perused the material on record.

The contention of the learned counsel for the petitioner-Company is that the Labour Court, having observed that oral evidence cannot be adduced as the domestic enquiry was held to be valid, erroneously passed the impugned order permitting the 2nd respondent to mark the alleged letter in evidence.

No issues in piecemeal can be permitted to be raised by the parties to the industrial dispute. In ***Cooper Engineering Limited v. P.P. Mundhe***[1], the apex Court held that no piecemeal adjudication of industrial dispute is permissible. In view of the said settled principle of law, the petitioner-Company cannot be permitted to raise the issues in piecemeal and it can raise all the irregularities, if any, after passing of the award by the Labour Court only.

In that view of the matter, the writ petition is devoid of merit and the same is accordingly dismissed. However, the petitioner-Company is at liberty to urge all the points, raised in this petition, before the Labour Court at the time of hearing. No costs.

_____

N.V. RAMANA, J.

Date: 01.09.2006

Nsr/Grk

---

[1] (1975) 2 Supreme Court Cases 661